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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,592	01/28/2002	Valdemar Portney	13879	5114
7590 11/17/2004			EXAMINER	
SHELDON & MAK 9th Floor 225 South Lake Avenue Pasadena, CA 91101			WILLSE, DAVID H	
			ART UNIT	PAPER NUMBER
			3738	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/058,592

Applicant(s)

PORTNEY, VALDEMAR

Examiner

Dave Willse

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7,13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5,7,13 and 15 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on April 30, 2002, is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 3738

This application is in condition for allowance except for the following formal matters:

In Figure 18C, "166" should apparently be --466--.

In the specification, on page 1, the sentence on line 30 lacks proper syntax. On page 2, the sentence(s) on line 1 lacks proper syntax. On page 2, line 2, the letter "b" is not understood. On page 2, line 4, there should not be a comma at the end of the line. On page 3, last line, the "s" should be deleted. On page 6, lines 17-18, "instrument" should be replaced by --instruments--. On page 10, the sentence on line 16 lacks proper syntax. On page 15, lines 12-14 lack proper syntax. On page 20, line 19, "for" is misspelled. On page 23, line 25, there should apparently be a comma after "means 305". On page 27, line 8, "D<sub>9</sub>" should apparently be --D<sub>7</sub>--. On page 30, line 22, the comma should be deleted. On page 31, line 28, the reference character "w<sub>4</sub>" is inconsistent with what is shown in Figure 18B. The sentence on page 36, lines 13-17, lacks proper syntax. On page 37, line 16 lacks proper syntax, and "341" should apparently be --340--; also, the angles on lines 16 and 17 should be interchanged in view of what is illustrated in Figure 23. On page 38, line 10, reference character "634" is not believed to be shown in the drawings. On page 42, line 15, "740" should be replaced by --710--. On page 43, lines 18 and 23, reference numerals "764" and "720", respectively, are not believed to appear *in any of Figures 30-35*; in Figure 36, "764" is used to represent something other than an "extension portion" (page 43, line 18). *The Applicant is asked to proofread the rather lengthy disclosure for other errors.*

In claim 15, lines 3-4 and line 7, "connection member" should be replaced by --connecting element-- (both instances). In claim 15, last two lines, the language "which is between about 1.0 mm and about 1.7 mm" is grammatically arranged so as to modify "forceps" rather than "distance x", and the claim should be revised so as to avoid confusion.

Art Unit: 3738

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse whose telephone number is (571) 272-4762. The examiner can normally be reached Monday through Thursday and often on Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached at (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.



**Dave Willse**  
**Primary Examiner**  
**Art Unit 3738**